



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

NOV 18 2016

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 0249

Mr. Robert John, General Mine Manager  
Chevron Mining Inc., Questa Mine  
P.O. Box 469  
Questa, NM 87555

Re: Administrative Order; Docket Number: CWA-06-2017-1708  
NPDES Permit No. NM0022306

Dear Mr. John:

Enclosed is an Administrative Order (AO) issued to Chevron Mining Inc. for violations of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.). The violations alleged were identified during a file review of Chevron Mining's Questa Mine. The violations alleged are for unauthorized discharges.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is December 2, 2016. The Environmental Protection Agency is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2017-1708 and NPDES Permit No. NM0022306 on your response.

If you have any questions, please contact Anthony M. Loston of my staff, at (214) 665-3109.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey B. Dwyer".

Stacey B. Dwyer, P.E.  
Acting Director  
Compliance Assurance and  
Enforcement Division  
U.S. EPA, Region 6

Enclosure



9850199

Re: Administrative Order  
Chevron Mining, Inc.

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cc: Ms. Shelly Lemon, Acting Chief  
Surface Water Quality Bureau  
New Mexico Environment Department  
P.O. Box 5469  
Santa Fe, NM 87502-5469



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Region 6 • 1445 Ross Avenue, Suite 1200 • Dallas, TX 75202-2733  
**FINDINGS OF VIOLATIONS and ORDER FOR COMPLIANCE**  
Docket Number: CWA-06-2017-1708, NPDES Permit Number NM0022306

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA), by Section 309(a) of the Clean Water Act (herein "the Act"), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who has delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Permittee, Chevron Mining, Inc., is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
2. At all times relevant to this Order ("all relevant times"), the Permittee was authorized to discharge from the Questa Mine located near Questa, New Mexico ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.
3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its wastewater to the receiving waters named Red River, Waterbody Segment Code No. 20.6.4.122, which are "waters of the United States" within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.
4. Because the Permittee owned or operated a facility that is a point source of discharges of pollutants to waters of the U.S., the Permittee and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.
5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.

7. The Permittee applied for and was issued NPDES Permit No. NM0022306 (herein "the permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on November 1, 2013. A permit modification became effective July 1, 2016 and expires at midnight, October 31, 2018. At all relevant times, the Permittee was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.

8. Part I.B. of the permit requires the Permittee to comply with a schedule of activities for the cessation of waste streams to the tailings facility in order to eliminate unauthorized tailings facility seepage.

9. Pursuant to Part I.B.iii of the permit, the Permittee is required to cease conveying mill process wastewater, mine drainage, and captured groundwater or spring water to the tailings facility by October 1, 2016.

10. Part I.B.iii of the permit was violated in that the Permittee failed to permanently cease discharges of waste streams to the tailings facility by October 1, 2016. EPA was informed on November 18, 2016 that discharges of waste streams to the tailings facility were resumed.

11. Each violation of the conditions of this permit or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309 of the Act, EPA hereby orders the Permittee to take the following action:

A. By December 2, 2016, the Permittee shall submit to EPA a written report detailing the specific actions taken to correct the violations cited and submit a certification signed by an authorized official [as defined in C.F.R. § 122.22(a)(1)] attesting that the violations have been addressed and the facility is operating in compliance with Section 301 of the Act, 33 U.S.C. § 1311.

B. In the event that compliance cannot be achieved immediately, the Permittee shall submit a report to EPA by December 2, 2016 that includes a projected date of when discharges of mill process wastewater, mine drainage, captured ground water, and spring water to the tailings facility will cease. This report shall also include descriptions of the work needed to achieve compliance, the estimated capital and operational costs, and projected completion dates of any construction needed to come into compliance with the violations cited herein.

C. Any information or correspondence submitted by the Permittee to EPA under this Order shall be addressed to the following:

Ms. Gladys Gooden-Jackson  
Water Enforcement Branch (6EN-WC)  
EPA, Region 6  
1445 Ross Ave., Suite 1200  
Dallas, TX 75202-2733

GENERAL PROVISIONS

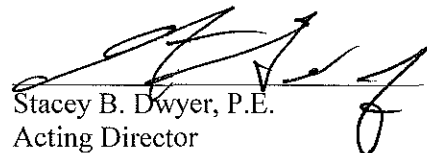
Issuance of this Order shall not be deemed an election by EPA to forego any administrative or judicial, civil or criminal action to seek penalties, fines, or any other relief appropriate under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate. Failure to comply with this Order or the Act may result in further administrative action, or a civil judicial action initiated by the U.S. Department of Justice.

This Order does not constitute a waiver or modification of the terms or conditions of the Permittee's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve the Permittee of its obligation to comply with any applicable federal, state, or local law or regulation.

The effective date of this Order is the date it is received by the Permittee.

11-18-16

Date



Stacey B. Dwyer, P.E.

Acting Director

Compliance Assurance and

Enforcement Division

U.S. EPA, Region 6